

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUAN HERNANDEZ,

Plaintiff,

v.

JOHN DOE #1-#4,

Defendants.

Case No. 1:21-cv-00408-HBK

ORDER DIRECTING TRANSFER OF CASE TO  
THE SACRAMENTO DIVISION

Before the court is plaintiff Juan Hernandez's *pro se* 42 U.S.C. § 1983 complaint filed on March 15, 2021. (Doc. No. 1). According to the complaint, the events giving rise to the cause of action occurred while plaintiff was incarcerated at the Mule Creek State Prison in Ione, California. Ione is a city located in Amador County, which is within the venue of the Sacramento Division of United States District Court for the Eastern District of California. *See* E.D. Ca. Local Rule 120(d).

Under 28 U.S.C. § 1406(a), "a district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, *or if it be in the interest of justice, transfer* such case to any district or division in which it could have been brought." *Id.* (emphasis added). Under 28 U.S.C. § 1391, venue is proper where defendants reside, or where a substantial part of the events or omissions giving rise to the claim occurred. *See* 28 U.S.C. § 1391(b); *Ziegler v. Indian River County*, 64 F.3d 470, 474 (9th Cir. 1995) (reviewing federal court jurisdiction and

venue in a § 1983 action).

Because the incidents giving rise to plaintiff's claim occurred in Amador County, the Court finds it is in the interests of justice to transfer this case under 28 U.S.C. § 1406(a) and Local Rule 120(f) to the Sacramento Division.

Accordingly, it is **ORDERED**:

1. The Clerk of Court is directed to transfer this action to the Sacramento Division of the United States District Court for the Eastern District of California.

2. All future filings shall refer to the new Sacramento case number assigned and shall be filed at:

United States District Court  
Eastern District of California  
501 "I" Street, Suite 4-200  
Sacramento, CA 95814

3. As a result of the transfer, this Court declines to rule on plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2).

IT IS SO ORDERED.

Dated: March 16, 2021

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE